

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

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Wanda Gavin

Plaintiff

Civil Action No. _____

-v-

NCO Financial Systems, Inc.,
Transworld Systems Inc.,
Afni Inc
Directv

Defendants

COMPLAINT

1. Plaintiff, Wanda Gavin, individually, hereby sues Defendants, Afni Inc, NCO Financial Systems, Inc., Transworld Systems Inc., Directv Inc, for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692, violations of the Fair Credit Reporting Act (FCRA) 15 U.S.C. §1681 *et seq.*

PRELIMINARY STATEMENT

2. This is an action for damages and injunctive relief brought by Plaintiff against Defendant for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692 , violations of the Fair Credit Reporting Act (FCRA) 15 U.S.C. §1681 *et seq.*

3. Upon belief and information, Plaintiff contends that many of these practices are widespread for some or all of the Defendants. Plaintiff intends to propound discovery to Defendants identifying these other individuals who have suffered similar violations.

4. Plaintiff contends that the Defendants have violated such laws by repeatedly harassing Plaintiff in attempts to collect alleged but nonexistent debt.

JURISDICTION AND VENUE

5. The jurisdiction of this Court is conferred by 15 U.S.C §1692k(d), 12 U.S.C. §2614; 28 U.S.C. §1331

6. Venue is proper in this District pursuant to 28 U.S.C. §1391b.

PARTIES

7. This is an action for damages which exceed \$15,000.00.

8. Plaintiff, Wanda Gavin, is a natural person and a resident of the State of South Carolina.

9. Upon information and belief Defendant, Afni Inc, Inc is an Illinois entity authorized to do business in South Carolina.

10. Upon information and belief Defendant, NCO Financial Systems, Inc is an Pennsylvania entity authorized to do business in South Carolina.

11. Upon information and belief Defendant, Transworld Systems Inc, Inc is an Pennsylvania entity doing business in South Carolina.

12. Upon information and belief Defendant, Directv Inc is an California entity authorized to do business in South Carolina.

13. All conditions precedent to the bringing of this action have been performed, waived or excused.

FACTUAL ALLEGATIONS

14. On or about May 1st 2012 Plaintiff got called from Directv customer service, inform Plaintiff of an alleged debt and unverified account was in collection. Plaintiff deny having account with Directv. Directv rep request plaintiff to fill out their Identity theft package for investigation. Plaintiff never had any business dealing with defendant.

15. On January 09, 2014, Afni Inc, initiated a pull of Plaintiff's credit report from Transunion without permissible purpose. Plaintiff never had any business dealing with defendant.

16. On or about January 11, 2014, Plaintiff receive a collection notice from Afni, Inc, referencing a alleged debt from Directv Inc. Plaintiff had any business dealings with this defendant.

17. On or about February 23, 2014 Plaintiff receive a 2nd collection notice from Afni, Inc, referencing a alleged debt from Directv Inc.

18. On or about April 09, 2014 Plaintiff receive collection notice from Afni Inc, referencing a alleged debt from Directv Inc.

19. On June 22, 2014, NCO Financial Systems made a credit pull on the Plaintiff credit Transunion report without permissible purpose. Plaintiff never had any business dealings with this defendant.

20. On June 29, 2014, NCO Financial Systems made a credit pull on the Plaintiff Transunion credit report without permissible purpose. Plaintiff never had any business dealings with this defendant.

21. On or about July 08 2014, Plaintiff receive a settlement offer notice from Afni, Inc, referencing a alleged debt from Directv Inc.

22. On October 27, 2014, Plaintiff pulled Transunion credit report. And Transworld Systems Inc was reporting alleged negative & false account, with Directv Inc. as the original credit.

23. On October 28, 2014, NCO Financial Systems made a credit pull on the Plaintiff Transunion credit report without permissible purpose. Plaintiff never had any business dealings with this defendant.

24. On or about Oct 29, 2014 the Plaintiff receive letter invoice demanding payment from NCO Financial Systems Inc on alleged debt with original creditor of Directv Inc. Plaintiff never had any business dealing with defendant.

25. On or about April 14, 2015 the Plaintiff receive letter invoice demanding payment from Transworld Systems Inc on alleged debt with original creditor of Directv Inc. Plaintiff never had any business dealing with defendant.

26. On May 30, 2015, Plaintiff pulled Experian credit report. And Transworld Systems

Inc was reporting negative & false account, with Directv Inc. as the original credit.

27. On or about June 18, 2015 the Plaintiff receive letter invoice demanding payment from Transworld Systems Inc on alleged debt with original creditor of Directv Inc.

28. On June 22, 2015, the Plaintiff send an dispute letter to Transworld Systems Inc.

29. On June 22, 2015, the Plaintiff send an dispute letter to NCO Financial Systems Inc.

30. On June 22, 2015, the Plaintiff send an dispute letter to Directv Inc

31. On July 22, 2015, Transworld Systems made a credit pull on the Plaintiff Transunion credit report without permissible purpose. Plaintiff never had any business dealings with this defendant.

32. On August 15, 2015, the Plaintiff pulled Transunion credit report. And Transworld Systems Ins, was reporting negative & false account, with Directv Inc as the original credit.

33. On or about August 18, 2015, the Plaintiff receive a settlement offer letter from Transworld Systems Inc for an alleged debt from Directv Inc.

34. On or about August 18, 2015, Plaintiff receives copy of Equifax credit report. And Transworld System, Inc was reporting negative & false account, with Directv Inc. as the original credit.

35. On October 2, 2015, Plaintiff receive two (2) letters from the Transworld Systems Inc, requesting that Plaintiff to send them proof of my personal information to help them validate the alleged debt.

36. Plaintiff has no contractual obligation to pay any Defendants.

COUNT I

VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA), 15 U.S.C. §1692 BY DEFENDANT AFNI INC, NCO FINANCIAL SYSTEMS., TRANSWORLD SYSTEM INC., DIRECTV INC

37. Plaintiff alleges and incorporates the information in paragraphs 1 through 36

38. Plaintiff is a consumer within the meaning of the FDCPA, 15 U.S.C. §1692a(3)

39. All defendants is a debt collectors within the meaning of §1692a(6)

40. All Defendants violated the FDCPA. Defendant's violations include, but are not limited to, the following:

(a) All Defendants violated 15 U.S.C. §1692e(2) by falsely representing the character, amount, or legal status of any debt.

(b) All Defendants violated 15 U.S.C. §1692f(1) by the collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.

(c) All Defendants violated 15 U.S.C. §1692(d) any conduct the natural consequence of which is to harass, oppress, or any person

(d) All Defendants violated 15 U.S.C. §1692(e) any other false, deceptive, or misleading representation or means in connection with debt collection

(e) All Defendants violated 15 U.S.C. §1692 e(10) any false representation or deceptive means to collect a debt or obtain information about the consumer

(f) All Defendants violated 15 U.S.C. §1692 (f) any unfair or unconscionable means to collect or attempt to collect the alleged debt

WHEREFORE, Plaintiff demands judgment for damages against Afni, Inc, NCO Financial Systems, Inc., Transworld Systems Inc., Directv Inc for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 15 U.S.C. §1692k.

COUNT II
VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA), 15
U.S.C. §1692 BY DEFENDANT AFNI INC, NCO FINANCIAL SYSTEMS.,
TRANSWORLD SYSTEM INC., DIRECTV INC

41. Plaintiff alleges and incorporates the information in paragraphs 1 through 36.

42. Plaintiff is a consumer within the meaning of §1692a(2)

43. Afni Inc is a debt collector within the meaning of §1692a(6)

44. NCO Financial Systems inc is a debt collectors within the meaning of §1692a(6)

45. Transworld Systems Inc is a debt collectors within the meaning of §1692a(6)

46. Directv Inc is a debt collectors within the meaning of §1692a(6)

47. All Defendants violated §1692(f) by any unfair or unconscionable means to collect or attempt to collect the alleged debt.

WHEREFORE, Plaintiff demands judgment for damages against Afni Inc, NCO Financial Systems, Inc., Transworld Systems Inc., Directv for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 15 U.S.C. §1692k.

COUNT III

**VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681
WILLFUL NON-COMPLIANCE BY DEFENDANT AFNI INC, NCO FINANCIAL
SYSTEMS., TRANSWORLD SYSTEM INC., DIRECTV INC**

48. Plaintiff alleges and incorporates the information in paragraphs 1 through 36.

49. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

50. All Defendants is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

51. All Defendants willfully violated the FCRA. Defendant's violations include, but are not limited to, the following:

(a) All Defendants willfully violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer reports without a permissible purpose as defined by 15 U.S.C. §1681b.

WHEREFORE, Plaintiff demands judgment for damages against Afni Inc, NCO Financial Systems, Inc., Transworld Systems Inc., Directv for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 15 U.S.C. §1681n.

COUNT IV

**VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681
NEGLIGENT NON-COMPLIANCE BY DEFENDANT AFNI INC, NCO
FINANCIAL SYSTEMS., TRANSWORLD SYSTEM INC., DIRECTV INC**

52. Plaintiff alleges and incorporates the information in paragraphs 1 through 36.

53. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

54. All Defendants is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

55. All Defendants negligently violated the FCRA. Defendant's violations include, but are not limited to, the following:

(a) All Defendants negligently violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer reports without a permissible purpose as defined by 15 U.S.C. §1681b.

WHEREFORE, Plaintiff demands judgment for damages against Afni Inc, NCO Financial Systems, Inc., Transworld Systems Inc., Directv for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 15 U.S.C. § 1681o.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Respectfully submitted this 4 of October 2015

A handwritten signature in cursive script, appearing to read "Wanda Gavin", is written over a horizontal line.

Wanda Gavin
300 Marion Ave
Gaffney SC 29341